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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,178	06/13/2000	Veselin Brankovic	450103-02669	5448

20999 7590 11/26/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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TRINH, SONNY

ART UNIT	PAPER NUMBER
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2685

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DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/593,178

Applicant(s)

BRANKOVIC ET AL.

Examiner

Sonny TRINH

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 22-33.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 52-60.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Please see attached responses to arguments by the Examiner and PTO-892..

***Response to Arguments***

Applicant's arguments filed 11/03/03 have been fully considered but they are not persuasive.

In response to the Applicant request that the Examiner must provide a prior art reference that supports the Examiner's opinion that a mobile station can in fact, has the capability to support a narrow beam, a prior art by Take et al. (U.S. Patent number 6,370,377) is hereby cited to support the Examiner's point of view (please see abstract, claims 1, 4, column 2 lines 46-56, column 8 lines 48-56). The motivation for using the narrow beam is to reduce tracking time as taught by Take throughout the document. Therefore the Examiner is not convinced by Applicant's arguments that mobile terminals are not provided with narrow beam antennas.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...Fischer does not disclose any mobile terminals...") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 53 directs to the fixed hub which kidney shaped beam cross section, the Examiner only relied on Fisher for the teaching of the cardioid shaped antenna beam from the fixed hub for communicating with the mobile station, therefore even if Fischer does not disclose any mobile terminal, it is irrelevant.

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cross section in a direction opposing the ceiling. The Examiner did not cite any reference disclosing this feature, but instead asserted that the claim merely adds the intention of using the system in a particular environment...". However, in addition to the Examiner's assertion, the location of an antenna on a ceiling with the kidney shaped beam has a local minimum level in the cross section in a direction opposing said ceiling would have been obvious and makes sense to a person skilled in the antenna art, so that the energy from the antenna is radiated away from the ceiling toward the open area. Therefore, the Examiner still believes that such positioning and orientation of the antenna is obvious and well within the level of an ordinary skilled person in the art.

### ***Conclusion***

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 4:30 p.m. The examiner can also be reached on alternate Fridays.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

*Sonny Trinh*

11/17/03

**SONNY TRINH** S.T.  
**PATENT EXAMINER**